IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

WEDNESDAY, THE NINETEENTH DAY OF JANUARY

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SMT JUSTICE T.MEENA KUMARI

and
THE HON'BLE SRI JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 70 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 30-12-2004 in WP NO : 18591 OF 2004 on the file of the High Court.)

Between:

S. Manohar, S/o. Ramaswamy, aged 55 years,

Staff Assistant, District Co-operative Central Bank Ltd.,

Hanmakonda Branch, Warangal.

APPELLANT

AND

1. The District Co-operative Central Bank Ltd.,

   Rep.by its Person-in-Charge Committee,

   H.O., Subedari, Hanmakonda, Warangal-506001

2. The General Manager,

   The District Co-operative Central Bank Ltd.,

   Hanmakonda.

.....RESPONDENTS

Counsel for the Appellant: MR S. LAKSHAMA REDDY

Counsel for the Respondents : MR.P. NAGESWARA SREE

The Court, at the admission stage, made the following

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JUDGMENT(per Hon'ble Sri Justice S. Ananda Reddy):

Heard both sides. At their request, the main writ appeal itself is taken up for disposal at the stage of admission.

The present writ appeal is filed by the writ petitioner aggrieved by the order dated 30-12-2004 passed by the learned Single Judge in W.P. No. 18591 of 2004, disposing of the same with a direction to the petitioner to submit his explanation to the show cause notice within a period of two weeks from the date of receipt of the order and thereafter appropriate orders have to be passed by the disciplinary authority. According to the writ petitioner, he was charge sheeted for certain irregularities and an enquiry officer was appointed and he submitted his report. Based on the said report, instead of taking appropriate action by the disciplinary authority, the appellate authority i.e., Person-in-Charge Committee, issued the impugned show cause notice proposing to take action by passing an order of dismissal.

The grievance of the appellant is that when disciplinary proceedings are initiated, it is for the disciplinary authority to take appropriate action basing on the enquiry officer's report and to pass appropriate orders. If the appellant is aggrieved by the said orders of the disciplinary authority, he can file an appeal before the appellate authority i.e., the Person-in-Charge Committee, which in fact issued the impugned show cause notice. In view of issuance of the show cause notice by the appellate authority itself, the appellant is deprived of his remedy of appeal, and that apart the said action is in contravention of the byelaws of the Society. The learned single judge, however, directed the appellant to file his explanation to the show cause notice by taking appropriate objections, with a further direction to the disciplinary authority to pass appropriate orders.

After hearing both sides, we are satisfied that the impugned show cause notice issued by the appellate authority is in contravention of the byelaws of the Society, apart from denying the right of remedy of appeal available to the appellant.

Under the above circumstances, we are inclined to set aside the impugned show cause notice, however, giving liberty to the disciplinary authority to take appropriate action in accordance with the byelaws and Rules governing the issue, and to pass appropriate orders basing on the enquiry officer's report.

Accordingly, the writ appeal is allowed. No costs.

(T. MEENA KUMARI, J)

19-1-2005

(S. ANANDA REDDY, J)

Kvrk

To

1. The Person-in-Charge Committee, District Co. operative Central Bank Ltd., H.O., Subedari, Hanmakonda, Warangal-506001

2. The General Manager, The District Co. operative Central Bank Ltd.,

Hanmakonda.

3. Two CD copies.